

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ROBERT G. GREENE, on behalf of
himself and all others similarly situated,

Plaintiff,

vs.

EXECUTIVE COACH AND CARRIAGE,
a Nevada Corporation; DOES 1-50,
inclusive,

Defendant,

THOMAS THATCHER SCHEMKES,
and GREGORY Greene, etc.,

Plaintiffs,

vs.

JACOB TRANSPORTATION SERVICES,
LLC., etc.,

Defendants.

JACOB TRANSPORTATION
SERVICES, LLC,

Counterclaimant,

vs.

THOMAS THATCHER SCHEMKES,
and GREGORY Greene,

2:09-cv-466-GMN-RJJ

Consolidated with:
2:11cv-355-GMN-RJJ

O R D E R

This matter is before the undersigned Magistrate Judge on Defendant/Counterclaimant Jacob Transportation Services, LLC's Motion For Sanctions (#90).

The Court has reviewed the Motion For Sanctions (#90), the Opposition (#102), the Joinder (#104) and the Reply (#105). Additionally, a hearing was held on the Motion for

1 Sanctions (#90).

2 The Motion (#90) was filed by Defendant/Counterclaimant Jacob Transportation
3 Services, LLC and requested sanctions for the failure of Rebecca Sleppy, Cecilia Chipen, Terry
4 Muth and Robert Greene to appear for their depositions. *See*, Notices of Deposition attached as
5 Exhibits 6, 7, 8, and 9, to Defendant's Motion for Sanctions (#90). Plaintiff's counsel advised the
6 Court at the hearing held on this matter that the Consents to Become Party Plaintiffs signed by
7 Rebecca Sleppy, Cecilia Chipen and Terry Muth (Exhibits 2, 3, and 4) would be withdrawn.

8 Good cause appearing therefore,

9 IT IS HEREBY ORDERED that as the Court has been advised that the Consents to
10 Become Party Plaintiffs signed by Rebecca Sleppy, Cecilia Chipen and Terry Muth (Exhibits 2,
11 3, and 4) will be withdrawn, the Motion for Sanctions (#90) as to Rebecca Sleppy, Cecilia
12 Chipen and Terry Muth is DENIED.

13 IT IS FURTHER ORDERED that the Court does not find that the ultimate sanction of
14 dismissal is appropriate as to Plaintiff, Robert Greene.

15 IT IS FURTHER ORDERED that Defendant/ Counterclaimant Jacob Transportation
16 Services, LLC's request for monetary sanctions as to Plaintiff, Robert Greene is GRANTED.
17 The Court awards costs in the amount of 7.2 hours at \$275.00/hour (\$1900.00) plus \$172.60 for
18 the transcript fee for the non-appearance of Robert Greene at deposition, for a total award of
19 \$2072.60.

20 IT IS FURTHER ORDERED that said costs shall be paid forthwith.

21 IT IS FURTHER ORDERED that defendants are authorized to take the deposition of
22 Plaintiff, Robert Greene.

23 IT IS FURTHER ORDERED that Plaintiff, Robert Greene's request for sanctions are
24 DENIED.

25 DATED this 29th day of March, 2012.

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28 ROBERT J. JOHNSTON
United States Magistrate Judge